

UNITED STATES DISTRICT COURT

AUG 16 2006

MARKUS B. ZIMMER, CLERK  
BY UTAH DEPUTY CLERK

NORTHERN

District of

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

Richard Alan Stewart

Case Number: UTDX 106CR000008-001

USM Number: 13515-081

A. Chelsea Koch

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 922(g)(1)	Felon in Possession of a Firearm	6/6/2006	1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.


☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 2 of the Indictment ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

August 15, 2006

Date of Imposition of Judgment

  
Signature of Judge

David Sam

U. S. District Judge

Name and Title of Judge

August 17, 2006  
Date

DEFENDANT:  
CASE NUMBER:

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

30 months

☒ The court makes the following recommendations to the Bureau of Prisons:  
FCI with RDAP Program at Safford, AZ or Inglewood, CO; drug & alcohol treatment programs & educational/vocational training.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ a \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT:  
CASE NUMBER:

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ✓ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ✓ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT:  
CASE NUMBER:

### **ADDITIONAL STANDARD CONDITIONS OF SUPERVISION**

1. Defendant shall submit to drug/alcohol testing, as directed by the U.S. Probation Office, & pay a one-time \$115 fee to partially defray the costs of collection & testing.
2. Defendant shall participate in drug &/or alcohol abuse treatment under a copayment plan, as directed by U.S. Probation Office.
3. Defendant shall not use or possess alcohol, nor frequent businesses where alcohol is the chief item of order.
4. Defendant shall participate in a mental health treatment program under a copayment plan, as directed by the U.S. Probation Office, including taking any mental health medications prescribed by a physician.
5. Defendant shall not use or possess any controlled substances.

DEFENDANT:  
CASE NUMBER:

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ None	\$ None

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____ 0	\$ _____ 0
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT:  
CASE NUMBER:

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document





# UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

Jose Ramiro Corona-Hernandez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 1:06-cr-000020-001

USM Number: 13498-081

Kristen Angelos

Defendant's Attorney

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

Utah

AUG 16 2006

MARK PAUS B. ZIMMER, CLERK  
DEPUTY CLERK

## THE DEFENDANT:

☒ pleaded guilty to count(s) 1 - indictment

☐ pleaded nolo contendere to count(s)  
which was accepted by the court.

☐ was found guilty on count(s)  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8USC§1326	Re-Entry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/14/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

Date

8-15-2006

DEFENDANT: Jose Ramiro Corona-Hernandez  
CASE NUMBER: DUTX 1:06-cr-000020-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

72 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution in Arizona, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jose Ramiro Corona-Hernandez

CASE NUMBER: DUTX 1:06-cr-000020-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Jose Ramiro Corona-Hernandez

CASE NUMBER: DUTX 1:06-cr-000020-001

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

CASE NUMBER: DUTX 1:06-cr-000020-001

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525
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<b>TOTALS</b>	\$	0.00	\$	0.00
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- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jose Ramiro Corona-Hernandez  
CASE NUMBER: DUTX 1:06-cr-000020-001

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

STEPHEN R. MCCAUGHEY - 2149  
Attorney for Defendant  
10 West Broadway, Suite 650  
Salt Lake City, Utah 84101  
Telephone: (801) 364-6474  
Facsimile: (801) 364-5014

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH  
AUG 16 2006  
BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL WAGHER,

Defendant.

:

:

:

:

:

**FINDINGS AND ORDER**

**Case No. 1:06-CR-027 DB**

---

Based on motion of the defendant and stipulation of the plaintiff, the court enters the following;

**FINDINGS**

1. If defendant's motion to continue were denied it would deny the defendant continuity of counsel.
2. Counsel needs additional time to effectively prepare for trial and consult with the defendant.
3. Counsel has exercised due diligence in preparing this case.
4. The ends of justice in granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.



**ORDER**

It is hereby ORDERED that the trial date of August 21, 2006, be stricken and the trial continued.

It is further, ORDERED that the time between August 21, 2006, and the next trial date be excluded from the computation for the time for trial as described in 18 U.S.C. §3161.

DATED this 17 day of August, 2006.

\* TRIAL Reset to 10/23/06  
@ 8:30 A.M. for 4 days \*  
\_\_\_\_\_  
HONORABLE DEE BENSON  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of August, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

**Richard W. Daynes (E-Filer)**  
Richard.Daynes@usdoj.gov lisa.wuest2@usdoj.gov

/s/ Brittany Bagley  
\_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

FILED IN UNITED STATES DISTRICT  
COURT DISTRICT OF UTAH  
AUG 18 2006  
By MARKUS H. ZIMMER, Clerk  
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

Cupido Cruz-Alvarado

Defendant(s).

Case No. 1:06-cr-000056 DAK

**CONSENT TO ENTRY OF PLEA  
OF GUILTY BEFORE THE  
MAGISTRATE JUDGE AND  
ORDER OF REFERENCE**

Pursuant to 28 U.S.C. § 636(b)(3), the defendant, Cupido Cruz-Alvarado, after consultation and agreement with counsel, consents to United States Magistrate Judge Paul M. Warner accepting defendant's plea of guilty and to the Magistrate Judge conducting proceedings pursuant to Rule 11 of the Federal Rules of Criminal Procedure. The defendant also acknowledges and understands that sentencing on his plea of guilty will be before the assigned District Judge after a pre-sentence investigation and report, and compliance with Fed.R.Crim.P. 32.

The United States, by and through the undersigned Assistant United States Attorney, consents to the Magistrate Judge conducting plea proceedings pursuant to Fed.R.Crim.P. 11, and accepting the defendant's plea of guilty as indicated above, pursuant to such proceedings.

DATED this 18th day of August, 2006.

Colillo vs. a/k/a  
Defendant

James M. Ramez  
Attorney for Defendant

[Signature]  
Assistant United States Attorney

### ORDER OF REFERENCE

Pursuant to 28 U.S.C. § 636(b)(3), and the consent of the parties above mentioned, including the defendant,

**IT IS HEREBY ORDERED** that United States Magistrate Judge Paul M. Warner shall hear and conduct plea rendering under Fed.R.Crim.P. 11, and may accept the plea of guilty from the defendant pursuant thereto after full compliance with Fed.R.Crim.P. 11.

DATED this 18<sup>th</sup> day of August, 2006

BY THE COURT:

[Signature]  
for Dale Kimball  
United States District Judge

# United States District Court

**CENTRAL DISTRICT OF UTAH**FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAHUNITED STATES OF AMERICA  
V.**ORDER SETTING  
CONDITIONS OF RELEASE**  
AUG 18 2006  
MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

STACEY LYNN HARWOOD

Case Number: 1:06-CR-64 TS

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court  
PLACE

350 South Main

on

**As Directed**  
DATE AND TIME**Release on Personal Recognizance or Unsecured Bond**

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$ )

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
(Name of person or organization)  
(Address)  
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
  - ☐ (b) maintain or commence an educational program.
  - ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:  
**Do not change residence without prior permission of Pretrial Services. Defendant may travel for work purposes only. Defendant may travel to Utah for purposes of court hearings and meetings with counsel.**
  - ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
  - ☒ (e) report on a regular basis to the supervising officer as directed.
  - ☐ (f) comply with the following curfew:
  - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
  - ☐ (h) refrain from excessive use of alcohol.
  - ☐ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
  - ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
  - ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
  - ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
  - ☐ (m) execute a bail bond with solvent sureties in the amount of \$
  - ☐ (n) return to custody each (week)day as of \_\_\_\_\_ o'clock after being released each (week)day as of \_\_\_\_\_ o'clock for employment, schooling or the following limited purpose(s):
  - ☐ (o) surrender any passport to
  - ☒ (p) obtain no passport
  - ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
  - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
  - ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
  - ☒ (t) **No internet access. No unsupervised contact with anyone under the age of 18.**

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

*Steve L. Howard*  
Signature of Defendant

448 Smith AVE  
Address  
Evanston WY, 82930  
City and State  
(307) 789-7691  
(307) 679-7720  
Telephone

**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.  
The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/18/06

*A. C. Alba*  
Signature of Judicial Officer

**Chief Magistrate Judge Samuel Alba**

Name and Title of Judicial Officer

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, NORTHERN DIVISION

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CRYSTAL CLAYTON,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	SCHEDULING ORDER
	:	
JO ANNE BARNHART,	:	
Commissioner of Social Security,	:	Honorable Ted Stewart
	:	
Defendant.	:	Case No. 1:06-cv-69

---

This matter is before the Court for scheduling of briefing and argument of this Social Security appeal. In order to facilitate the prompt disposition of this case by the Court,

IT IS HEREBY ORDERED that, on or before the following dates, the parties shall file and serve a memorandum setting forth concisely the basis for the affirmance or reversal of the final decision of the Commissioner, or request for remand under sentence six of 42 U.S.C. § 405(g), and a detailed analysis of the administrative record with *pinpoint* citations of authorities in support of the party's position, and to the administrative record:

PLAINTIFF: November, 8, 2006.

COMMISSIONER: December 11, 2006.

PLAINTIFF: January 2, 2006.

It is further

ORDERED that a one-hour hearing be held in this matter on January 18, 2006, at 3:00 p.m. The Court will have already reviewed the file, pleadings, and administrative record prior to the hearing. The Court will hear argument of counsel and intends to rule at the close of the hearing.

DATED August 18, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART  
United States District Judge



---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**MACHELL PHIBBS et al.,**

**Plaintiffs,**

**vs.**

**AMERICAN PROPERTY  
MANAGEMENT et al.,**

**Defendants.**

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME**

**Case No. 2:02CV260**

**Judge Dee Benson**

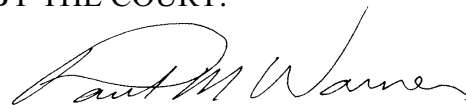
**Magistrate Paul M. Warner**

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This matter is before the court on Plaintiffs' Motion for an Extension of Time [docket no. 86] to file a reply to Defendants' Memorandum in Opposition [docket no. 78] to Plaintiffs' Motion for Extension of Time to complete discovery [docket no. 75]. For good cause appearing, Plaintiffs' motion [docket no. 86] is GRANTED, and it is ORDERED that Plaintiffs have until and including September 5, 2006 to file a reply memorandum.

DATED this 18th day of August, 2006.

BY THE COURT:



---

PAUL M. WARNER  
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**MICHAEL GRANIERI,**

**Plaintiff,**

**vs.**

**BRUCE BURNHAM, M.D., et al,**  
**Defendants.**

**TRIAL ORDER**

**Case No. 2:03CV771K**

---

This case is set for a five-day jury trial to begin on September 18, 2006, at 8:30 a.m. Because of this order, the final pre-trial hearing set for August 28, 2006, at 2:30 p.m. is not necessary and is, therefore, vacated. In order to expedite the conduct of the trial in this case, counsel are instructed as follows:

**A. Proposed Voir Dire, Jury Instructions, and Special Verdict Form**

*1. Proposed Voir Dire*

The parties must submit any proposed voir dire no later than **September 13, 2006**.

*2. Special Verdict Form*

The parties must submit a proposed special verdict form no later than **September 11, 2006**. In addition to filing the special verdict form electronically, the parties must email a copy of the special verdict form to [utdecf\\_kimball@utd.uscourts.gov](mailto:utdecf_kimball@utd.uscourts.gov) in Word Perfect format. Any objection the parties have to the other party's proposed special verdict form shall be filed by **September 13, 2006**.

*3. Jury Instructions*

*(a) stock instructions*

Upon request, the court will provide the parties with its stock jury instructions for civil cases. The court will give its stock instructions applicable to this case unless both parties agree to modify them and provide convincing arguments for such changes. The parties shall not submit stock instructions that deal with the same subject matter as the court's stock instructions. When submitting their instructions, the parties shall indicate in a list to the court which of the court's stock instructions should be given. The parties need not resubmit the court's stock instructions.

*(b) additional instructions*

All additional jury instructions must be submitted according to the following procedure:

1. The parties shall serve upon the opposing party their proposed jury instructions by **September 1, 2006**. The parties must then meet and confer to agree on a single set of instructions. The parties are required to *jointly submit one set of stipulated final instructions*.
2. If the parties cannot agree upon a complete set of final instructions, they may submit separately those instructions upon which they cannot agree. However, the parties are expected to agree upon the majority of the substantive instructions for the case.
3. The stipulated instructions and each party's supplemental instructions must be electronically filed with the court by **September 8, 2006**. In addition to electronically filing the jury instructions, the parties shall also email a copy of the

instructions, *without* citation to authority, to [utdecf\\_kimball@utd.uscourts.gov](mailto:utdecf_kimball@utd.uscourts.gov) in Word Perfect format.

4. No later than **noon on September 13, 2005**, each party must file its objections to the supplemental instructions proposed by the other party. All such objections must recite the proposed disputed instruction in its entirety and specifically highlight the objectionable language in the proposed instruction. The objection must contain citations to authority and a concise argument explaining why the instruction is improper. If applicable, the objecting party should submit an alternative instruction addressing the subject or principle of law.
5. No later than **noon on September 15, 2006**, each party may file a reply to the opposing party's objections.

## **B. Motions in Limine**

All motions in limine must be filed by **September 5, 2006**. Memoranda in opposition to any motions in limine must be filed no later than **September 11, 2006**. If a hearing is necessary, the court will hold one during the week of September 11, 2006. Otherwise, the court will issue a written ruling during that week.

## **C. Trial Exhibits**

Pursuant to Local Rule 83-5, each party is required to pre-mark all exhibits intended to be introduced during trial and prepare an exhibit list for the court's use at trial. Exhibit labels (stickers) are available at the Intake Desk in the Clerk's Office. The standard exhibit list form is available on the Court's website ([www.utd.uscourts.gov](http://www.utd.uscourts.gov)). Plaintiffs should list their exhibits by consecutive numbers and defendants should list their exhibits by consecutive letters, unless

authorized by the Court to use a different system.

Do **NOT** file the exhibit list or the exhibits. The exhibit list is to be provided to the Courtroom Deputy Clerk on the first morning of trial; the exhibits are to remain in the custody of counsel until admitted as evidence by the Court.

**D. Pretrial Disclosures, Pretrial Order, and Attorneys' Conference**

This Trial Order does not affect the parties' pre-trial requirements under the Federal Rules of Civil Procedure. The parties shall submit their pretrial order to court no later than **September 1, 2006**. The form of the pretrial order shall conform generally to the approved form in Appendix IV to the district court's Local Rules of Practice. The parties shall also still hold their pre-trial attorneys' conference before the date for submitting the pre-trial order to discuss settlement, a proposed pretrial order, exhibit lists, jury instructions, and other matters that will aid in an expeditious and productive trial. The pretrial order submitted by the parties shall identify the date counsel for the parties' held their attorneys' conference and the counsel present for the conference.

**E. Settlement**

In the event that a settlement is reached between the parties, the court should be notified as soon as possible.

DATED this 18th day of September, 2006.

\_\_\_\_\_  
DALE A. KIMBALL  
United States District Judge

STEPHEN J. SORENSON, Acting United States Attorney (#3049)  
JEANNETTE F. SWENT, Assistant United States Attorney (#6043)  
Attorneys for the United States of America  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111-1506  
Telephone (801) 524-5682

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

---

IN ~~THE~~ UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	ORDER
	)	
vs.	)	
	)	Case No. 2:04CV00045
DOUGLAS R. MOSS ,	)	
	)	Honorable Dee V. Benson
Defendant,	)	

---

The Court, having received the Stipulation of the parties dated August 3, 2006  
and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The United States of America (hereafter the "United States") was awarded judgment on April 14, 2004, against Douglas R. Moss (hereafter "Moss") in the total sum of \$58,950.01, plus interest at the legal rate of 1.32% from date of judgment until paid in full.

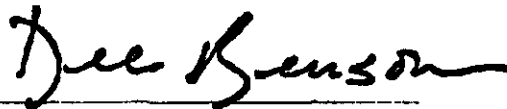
2. Moss has agreed to pay and the United States has agreed to accept in settlement of this case \$27,000, payable as follows: \$20,000 due 08-17-2006, \$3,500 due 09-17-2006, \$3,500 due 10-17-2006. Said payment shall be in the form of a cashier's check or money order made payable to the U.S. Department of Justice and sent to the Office of the United States Attorney, 185 South State Street, Suite 400, Salt Lake City, Utah 84111-1506.

3. The United States has agreed to file a "Satisfaction of Judgment as compromised" with the Court if Moss strictly complies with the agreement set forth in paragraph 2 above.

4. If Moss fails to strictly comply with the agreement set forth in paragraph 2 above, the United States may proceed with collection of the total judgment amount, plus interest, until paid in full.

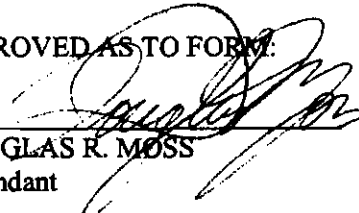
DATED this 17<sup>th</sup> day of August, 2006.

BY THE COURT:



Dee V. Benson, Chief Judge  
United States District Court

APPROVED AS TO FORM:



DOUGLAS R. MOSS  
Defendant

AUG 16 2006

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

U.S. DISTRICT COURT

AUG 17 2006

MARKUS B. ZIMMER, CLERK  
BY

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Southern Utah Wilderness Alliance, et al.

Plaintiff

v.

Gale Norton, et al.

Defendant.

\*  
\* CASE NO. 2:04cv574 *DAR*  
\*  
\* Appearing on behalf of:  
\* Intervenor-Defendant  
\*  
\* (Plaintiff/Defendant)  
\*

## MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Shawn T. Welch, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: August 16, 2006

(Signature of Local Counsel)

# 7113 (Utah Bar Number)

## APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, L. Poe Leggette, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) ☒ a non-resident of the State of Utah or, (ii) ☐ a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Shawn T. Welch as associate local counsel.

Date: 8-16, 20 06.Check here ☒ if petitioner is lead counsel.

(Signature of Petitioner)

Name of Petitioner: L. Poe Leggette Office Telephone: 202-662-0200  
(Area Code and Main Office Number)

Business Address: Fulbright & Jaworski L.L.P.  
(Firm/Business Name)  
801 Pennsylvania Ave., NW Washington DC 20004-2623  
Street City State Zip



**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
--------------------------	----------	-------------------

The Court of Appeals for the District of Columbia	Washington, DC	1991
---	----------------	------

U.S. District Court for the District of Columbia	Washington, DC	1993
--	----------------	------

United States Supreme Court	Washington, DC	1995
-----------------------------	----------------	------

U.S. District Court of Colorado	Denver, CO	2006
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(If additional space is needed, attach separate sheet.)

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
------------	-------------	-------------------

SUWA, et al. v. Dept. of the Interior, et al.	2:06cv00342	07/10/2006
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SUWA, et al. v. Norton, et al.	2:02cv1118PC	10/29/2002
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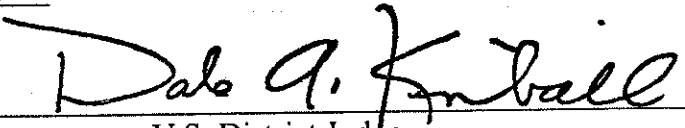
(If additional space is needed, attach a separate sheet.)

**NO FEE REQUIRED**

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 17<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
U.S. District Judge

RECEIVED CLERK  
AUG 16 P 11:51  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
OFFICE OF THE CLERK OF COURT

Suite 150, Frank E. Moss United States Court House

350 South Main Street

Salt Lake City, Utah 84101-2180

(801) 524-6100

U.S. DISTRICT COURT  
DISTRICT OF UTAH

**PRO HAC VICE ADMISSION APPLICATION**

**INSTRUCTIONS**

**Admission Fee:** \$15.00 payable by check or money order to Clerk, U.S. District Court. Fee will cover membership for the duration of the case or twelve (12) months, whichever is longer. Pro hac applicants who paid the fee within the past 12 months and who are requesting admission to practice in a case other than that originally specified when the fee was paid should check the blank below and indicate the date of their most recent pro hac vice admission to this Court. *Applicants are required to complete and submit this form for each case in which they participate as pro hac vice counsel.*

☒ Applicant was previously admitted pro hac vice to this Court in case # 2:06-cv-00342; month of most recent pro hac vice admission and payment of fee was July, 2006

**Application:** Please type or print legibly and complete all blanks.

**Designated Local Counsel:** Must be an active member in good standing of the Utah State Bar and the Bar of this Court.

**Mandatory Requirements:**

1. Provide and attach a separate list by number and title of all cases filed in this Court in which applicant has appeared as counsel in the past five years.
2. Type local counsel's name below the signature line and enter the bar number in the space provided.
3. If more than one attorney from the same firm is seeking pro hac admission in this case, please indicate which attorney will serve as lead counsel for purposes of receiving official court notices and other case-related documents.

AUG 17 2006

MARKUS B. ZIMMER, CLERK  
BY

RECEIVED CLERK

AUG 16 2006

U.S. DISTRICT COURT

DEPUTY CLERK  
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Southern Utah Wilderness Alliance, et al.

Plaintiff

v.

Gale Norton, et al.

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CASE NO. 2:04cv574 *DAK*

Appearing on behalf of:

Intervenor-Defendant

(Plaintiff/Defendant)

MOTION AND CONSENT OF DESIGNATED ASSOCIATE LOCAL COUNSEL

I, Shawn T. Welch, hereby move the pro hac vice admission of petitioner to practice in this Court. I hereby agree to serve as designated local counsel for the subject case; to readily communicate with opposing counsel and the Court regarding the conduct of this case; and to accept papers when served and recognize my responsibility and full authority to act for and on behalf of the client in all case-related proceedings, including hearings, pretrial conferences, and trials, should Petitioner fail to respond to any Court order.

Date: August 16, 2006

*Shawn T. Welch*  
(Signature of Local Counsel)

#7113  
(Utah Bar Number)

APPLICATION FOR ADMISSION PRO HAC VICE

Petitioner, Bret A. Sumner, hereby requests permission to appear pro hac vice in the subject case. Petitioner states under penalty of perjury that he/she is a member in good standing of the bar of the highest court of a state or the District of Columbia; is (i) ☒ a non-resident of the State of Utah or, (ii) ☐ a new resident who has applied for admission to the Utah State Bar and will take the bar examination at the next scheduled date; and, under DUCivR 83-1.1(d), has associated local counsel in this case. Petitioner's address, office telephone, the courts to which admitted, and the respective dates of admission are provided as required.

Petitioner designates Shawn T. Welch as associate local counsel.

Date: 8-16, 2006.

Check here ☐ if petitioner is lead counsel.

*Bret A. Sumner*  
(Signature of Petitioner)

Name of Petitioner: Bret A. Sumner

Office Telephone: 202-662-0200

(Area Code and Main Office Number)

Business Address: Fulbright & Jaworski L.L.P.

(Firm/Business Name)  
801 Pennsylvania Ave., NW

Washington

DC

20004-2623

Street

City

State

Zip

**BAR ADMISSION HISTORY**

COURTS TO WHICH ADMITTED	LOCATION	DATE OF ADMISSION
--------------------------	----------	-------------------

DC District Court	Washington, DC	1999
-------------------	----------------	------

U.S. District Court for the District of Columbia	Washington, DC	1999
--	----------------	------

U.S. Court of Appeals for the 10th Circuit	Denver, CO	2003
--	------------	------

U.S. District Court for the District of Maryland	Baltimore, MD	2006
--	---------------	------

(If additional space is needed, attach separate sheet.)

**PRIOR PRO HAC VICE ADMISSIONS IN THIS DISTRICT**

CASE TITLE	CASE NUMBER	DATE OF ADMISSION
------------	-------------	-------------------

SUWA, et al. v. Dept. of the Interior, et al.	2:06cv00342	07/10/2006
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SUWA, et al. v. Norton, et al.	2:02cv1118PC	12/23/2002
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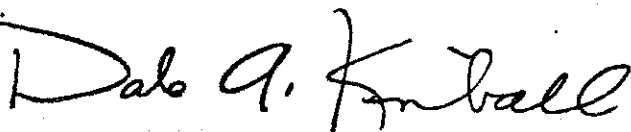
(If additional space is needed, attach a separate sheet.)

**NO FEE REQUIRED**

**ORDER OF ADMISSION**

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for Petitioner's admission pro hac vice in the United States District Court, District of Utah in the subject case is GRANTED.

This 17<sup>th</sup> day of August, 2006.



U.S. District Judge

RECEIVED CLERK  
AUG 16 P 11:51

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
OFFICE OF THE CLERK OF COURT**

Suite 150, Frank E. Moss United States Courthouse

350 South Main Street  
Salt Lake City, Utah 84101-2180  
(801) 524-6100

U.S. DISTRICT COURT  
DISTRICT OF UTAH

**PRO HAC VICE ADMISSION APPLICATION**

**INSTRUCTIONS**

**Admission Fee:** \$15.00 payable by check or money order to Clerk, U.S. District Court. Fee will cover membership for the duration of the case or twelve (12) months, whichever is longer. Pro hac applicants who paid the fee within the past 12 months and who are requesting admission to practice in a case other than that originally specified when the fee was paid should check the blank below and indicate the date of their most recent pro hac vice admission to this Court. *Applicants are required to complete and submit this form for each case in which they participate as pro hac vice counsel.*

☒ Applicant was previously admitted pro hac vice to this Court in case # 2:06cv00342; month of most recent pro hac vice admission and payment of fee was July, 2006.

**Application:** Please type or print legibly and complete all blanks.

**Designated Local Counsel:** Must be an active member in good standing of the Utah State Bar and the Bar of this Court.

**Mandatory Requirements:**

1. Provide and attach a separate list by number and title of all cases filed in this Court in which applicant has appeared as counsel in the past five years.
2. Type local counsel's name below the signature line and enter the bar number in the space provided.
3. If more than one attorney from the same firm is seeking pro hac admission in this case, please indicate which attorney will serve as lead counsel for purposes of receiving official court notices and other case-related documents.

UNITED STATES DISTRICT COURT

AUG 17 2006

CENTRAL

District of

UTAH  
BY MARCUS B. ZIMMER, CLERK  
DEPUTY CLERK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Filemon Leon-Sanchez

Case Number: UTDX 205CR000194-001

USM Number: 12564-081

Robert K. Hunt  
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 3 & 4 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 USC § 1326	Reentry of Previously Removed Alien		3
21 USC § 812; 21 USC § 841(a)(1) & (b)(1)(c)	Possession of Cocaine with Intent to Distribute		4

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 1 & 1 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/8/2006

Date of Imposition of Judgment

David Sam  
Signature of Judge

David Sam

Name and Title of Judge

U. S. District Judge

August 17, 2006  
Date

DEFENDANT:  
CASE NUMBER:

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

41 months

- ☒ The court makes the following recommendations to the Bureau of Prisons:  
FCI in Arizona or near Utah, with drug & alcohol treatment program & medical treatment facility to provide for defendant's medical problems.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on \_\_\_\_\_
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

DEPUTY UNITED STATES MARSHAL

DEFENDANT:  
CASE NUMBER:

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ✓ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ✓ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.



DEFENDANT:  
CASE NUMBER:

### **SPECIAL CONDITIONS OF SUPERVISION**

1. Defendant shall not illegally reenter the U.S. If the defendant returns to the U.S. during the period of supervision, he is instructed to contact the U.S. Probation Office in the District of Utah, within 72 hours of arrival in the U.S.
2. Defendant shall not use or possess any controlled substances.

DEFENDANT:  
CASE NUMBER:

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00 (\$100/Ctn)	\$ None	\$ None

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0	\$ _____ 0
--------	------------	------------

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT:  
CASE NUMBER:

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 17 2006

MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUSAN M. TITUS,

Defendant.

ORDER TO CONTINUE  
SENTENCING HEARING

Case No. 2:05CR-00252DAK

Judge Dale Kimball

Based upon the motion of counsel, and good cause appearing therefore,

IT IS HEREBY ORDERED:

That the sentencing hearing set for August 22, 2006, at 3:00p.m. is continued until

September 1, 2006, at 2:00 p.m.

DATED this 17<sup>th</sup> day of August, 2006.

BY THE COURT:

Dale G. Kimball

JUDGE DALE KIMBALL  
US DISTRICT COURT JUDGE.

BRETT L. TOLMAN, United States Attorney (No. 8821)  
GREGORY C DIAMOND, Assistant United States Attorney (No. 08783)  
Attorneys for the United States of America  
185 South State Street, Suite 400  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 17 2006

MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	Case No. 2:05CR335 DS
	:	
Plaintiff,	:	
	:	
v.	:	<b>ORDER PURSUANT TO SPEEDY TRIAL ACT</b>
	:	
JENNIFER RUTH GLOVER, aka	:	
JENNIFER GLOVER, aka JENNIFER	:	
BLACK & DINO LOVE GLOVER,	:	Judge David Sam
	:	
Defendant(s).	:	

---

On July 26, 2006, this Court held a status hearing prior to the trial scheduled for August 8, 2006. Chelsea Koch was present as was Assistant U.S. Attorney Gregory C Diamond. Jeremy Delicino, counsel for Dino Glover was out of the country and his presence was excused. The Court heard the representations of those present. During the next two weeks Mr. Delicino provided additional information to the Court. Having heard the representations of counsel and being familiar with the file in the case, the Court now makes the following Findings of Fact and Order:

1. Defendant Jennifer Glover and the United States have entered into a plea agreement and all parties request that the trial date, presently set, be vacated and that a new date for the defendant's change of plea be set. It is specifically requested that this new date allow the

defendant that time necessary to make travel arrangements to come from California. This request is reasonable. To deny the request would deny the defendant continuity of counsel as well as deny to the defendant the benefit that would come of the plea agreement. It would also deny to the Court the economy that would come from avoiding trial, jury selection and all that appertains to that process. The interests of justice served outweigh the interests of the defendant, the U.S. and the public in a speedy trial, as explained herein.


2. Defendant Dino Glover requests that a new trial date be set which will accommodate the interests of his counsel and his own interests in preparing for trial in this matter. This preparation has been made difficult and complex by the defendant's residence in California. Further, the entry of plea by the co-defendant raises issues and concerns which require additional investigation in anticipation of the trial herein. This request is also reasonable. To deny the request would deny to the defendant the reasonable time necessary for trial preparation taking into account due diligence on the part of all counsel and the parties herein. The interests of justice served outweigh the interests of the defendant, the U.S. and the public in a speedy trial, as explained herein.

Based upon the foregoing, it is hereby ORDERED:

1. The trial date of August 8, 2006, is vacated.
2. A change of plea hearing is set for August 21, 2006, at 1:30 p.m. as to the defendant Jennifer Glover. All time from the vacated trial date up through and including August 21, 2006, is excludible and is hereby excluded from any calculation required by the Speedy Trial Act, Title 18 U.S.C. Section 3161, *et seq.*
3. A new trial date is set for November 7, 2006, at 8:30 a.m. as to defendant Dino

Glover. All time from the vacated trial date up through and including November 7, 2006, is excludible and is hereby excluded from any calculation required by the Speedy Trial Act, Title 18 U.S.C. Section 3161, *et seq.*

DATED this 17<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
David Sam  
U.S. District Court Judge



### **Certificate of Service**

I certify that on the \_\_\_\_ day of August, 2006, I caused to be sent, via hand-delivery, a copy of the foregoing ORDER PURSUANT TO SPEEDY TRIAL ACT to the following:

A. Chelsea Koch  
Utah Federal Defender's Office  
46 West Broadway, Suite 110  
Salt Lake City, Utah 84101

Jeremy Delicino  
10 West Broadway, Suite 650  
Salt Lake City, Utah 84101

---

STEPHEN R. MCCAUGHEY  
Attorney for Defendant  
10 West Broadway, Suite 650  
Salt Lake City, Utah 84101  
Telephone: (801) 364-6474  
Facsimile: (801) 364-5014

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE MINCHEY,

Defendant.

:

:

ORDER

:

:

Case No. 2:05-CR-546 DB

:

---

The Court having read the foregoing motion and good cause appearing, it is hereby;

ORDERED that the hearing in the above matter is continued to this 11 day of

Oct, 2005, at 2:00 p.m.

DATED this 17 day of August, 2006.

BY THE COURT:



---

HONORABLE DEE BENSON  
U.S. District Court Chief judge

CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> day of August, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

**Robert E. Steed (E-Filer)**

robert.steed@usdoj.gov rsteed@utah.gov, valerie.maxwell@usdoj.gov

/s/ Brittany Bagley

---

FILED IN UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT

AUG 15 2006  
BY MARKUS B. ZIMMER, CLERK  
UTAH DEPUTY CLERK

CENTRAL

District of

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Matthew Dean Burgess

Case Number: UTDX 205CR000591-001

USM Number: 12901-081

Robert L. Steele

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 2 of the Indictment

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 2423(b)	Travel with Intent to Engage in Illicit Sexual Conduct		2

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

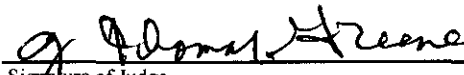
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) 1 of the Indictment ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

9/9/2006

Date of Imposition of Judgment

  
Signature of Judge

J. Thomas Greene

Name and Title of Judge

U. S. District Judge

August 16, 2006  
Date

*Kuf*

DEFENDANT:  
CASE NUMBER:

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

30 months

☒ The court makes the following recommendations to the Bureau of Prisons:  
FCI near Topeka, KS, with work program, medical assistance & psychiatric services.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ a \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. 12:00 Noon (local time) on  
Tuesday, 9/12/2006.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_

DEFENDANT:  
CASE NUMBER:

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT:  
CASE NUMBER:

### SPECIAL CONDITIONS OF SUPERVISION

1. Defendant shall not use or possess any controlled substances.
2. Defendant shall participate in a mental-health treatment program under a copayment plan as directed by the U.S. Probation Office, take any mental-health medications as prescribed, and not possess or consume alcohol, nor frequent businesses where alcohol is the chief item of order, during the course of treatment or medication.
3. Court orders that the presentence report may be released to the state sex-offender registration agency if required for purposes of sex-offender registration.
4. Defendant shall participate in a mental-health &/or sex-offender treatment program as directed by the U.S. Probation Office.
5. Defendant is restricted from visitation with individuals who are under 18 years of age, without adult supervision, as approved by the U.S. Probation Office.
6. Defendant shall abide by the following occupational restrictions: Any employment shall be approved by the U.S. Probation Office. In addition, if third party risks are identified, the U.S. Probation Office is authorized to inform the defendant's employer of his supervision status.
7. Defendant shall not possess or use a computer with access to any online computer service without the prior written approval of the Court. This includes any Internet service provider, bulletin board system, or any other public or private computer network. Any approval by the Court shall be subject to the conditions set by the Court or the U.S. Probation Office.
8. Defendant shall submit his person, residence, office, or vehicle to a search, conducted by the U.S. Probation Office, at a reasonable time & in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
9. Court orders that Evaluation Report of Dr. Huff be attached to the presentence report pursuant to request of defendant's counsel.

DEFENDANT:  
CASE NUMBER:

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100	\$ None	\$ None

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____ 0	\$ _____ 0
--------	------------	------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.



DEFENDANT:  
CASE NUMBER:

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 29

are the

Statement of Reasons,  
which will be docketed  
separately as a sealed  
document

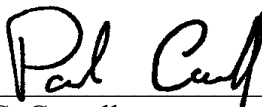
**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH    CENTRAL DIVISION**

<b>PROSPER, INC., et al.</b>  <b>Plaintiffs,</b>  <b>vs.</b>  <b>INNOVATIVE SOFTWARE</b>  <b>Defendant.</b>	<b>AMENDED ORDER AND REFERRAL TO SETTLEMENT CONFERENCE PROCEEDINGS</b>  <b>Case No. 2:05-CV-00098 PGC</b>
---	---

The above-entitled matter was referred to magistrate judge Brooke C. Wells to conduct a Settlement Conference pursuant to DUCivR 16-3(b) on April 13, 2005. The Amended Scheduling Order provides that a settlement conference must be held on or before July 31, 2007.

IT IS HEREBY ORDERED that counsel shall jointly contact the magistrate judge to whom this case is referred for settlement on or before July 10, 2007 to set the date and time of the Settlement Conference.

DATED this 18th day of August, 2006.

By   
Paul G. Cassell  
United States District Judge

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

David W. Brown, #5671  
Attorney for Defendant  
2880 West 4700 South, Suite F  
West Valley City, Utah 84118  
Telephone: (801) 964-6200

AUG 16 2006

MARKUS B. ZIMMER, CLERK  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	)	ORDER GRANTING MOTION
	)	TO CONTINUE TRIAL
Plaintiff,	)	
	)	
vs.	)	
	)	Case No. 2:06CR00040 DB
ERVIN HOWARD,	)	
	)	
Defendant.	)	

The Court, having reviewed Defendant's Motion to Continue Trial, having reviewed the files and pleadings herein, being fully advised in the premises,

IT IS HEREBY ORDERED:

That the trial date of August 21 and 22, 2006, is hereby vacated. The case will be reset for trial on 10/23/2006, 2006, at 8:30 a.m.

DATED this 17 day of August, 2006.

BY THE COURT:

  
The Honorable Dee Benson  
United States District Court Judge

**Certificate of Service**

I hereby certify that on August 16, 2006, a copy of the foregoing ORDER GRANTING MOTION TO CONTINUE TRIAL was filed electronically with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

Dave Backman  
Assistant United States Attorney  
185 South State Street #400  
Salt Lake City, UT 84101

s/ Sharyll Madsen

---

PAUL G. CASSELL  
United States District Court Judge

---

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

---

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JODY KAVALAUSKAS,**

**Defendant.**

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME IN WHICH TO  
FILE PRE-TRIAL MOTIONS**

**Case No. 2:06-CR-452**

**Judge Tena Campbell**

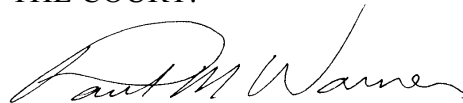
**Magistrate Paul M. Warner**

---

This matter was referred to Magistrate Judge Paul M. Warner by District Judge Tena Campbell pursuant to 28 U.S.C. § 636(b)(1)(A). Before the court is Defendant Jody Kavalauskas's ("Defendant") Motion for Extension of Time in Which to File Pre-Trial Motions. Pursuant to the motion and for good cause appearing, Defendant's motion is GRANTED. Accordingly, IT IS HEREBY ORDERED that Defendant shall have until and including September 8, 2006 in which to file any pretrial motions.

DATED this 18th day of August, 2006.

BY THE COURT:



---

PAUL M. WARNER  
United States Magistrate Judge

# United States District Court

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

CENTRAL DISTRICT OF UTAH

AUG 15 2006

UNITED STATES OF AMERICA

v.

MARKUS B. ZIMMER, CLERK  
BY  
**ORDER SETTING**  
DEPUTY CLERK  
**CONDITIONS OF RELEASE**

LANH TA HUYNH

Case Number: 2:06-CR-550 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

**As Directed**

DATE AND TIME

## Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ( ) (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$ )

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.



### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ( ) (6) The defendant is placed in the custody of:  
(Name of person or organization)  
(Address)  
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy

- (✓)(7) The defendant shall:
- (✓)(a) maintain or actively seek employment.
  - ( ) (b) maintain or commence an educational program.
  - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:  
**Do not change residence without prior permission of PTS. Do not travel outside the State of Utah without prior permission of PTS.**
  - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
  - (✓)(e) report on a regular basis to the supervising officer as directed.
  - ( ) (f) comply with the following curfew:
  - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
  - ( ) (h) refrain from excessive use of alcohol.
  - ( ) (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
  - ( ) (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
  - ( ) (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
  - ( ) (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
  - ( ) (m) execute a bail bond with solvent sureties in the amount of \$
  - ( ) (n) return to custody each (week)day as of \_\_\_\_\_ o'clock after being released each (week)day as of \_\_\_\_\_ o'clock for employment, schooling or the following limited purpose(s):
  - (✓)(o) surrender any passport to **Clerk of Court**
  - (✓)(p) obtain no passport
  - ( ) (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
  - ( ) (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
  - ( ) (s) submit to an electronic monitoring program as directed by the supervising officer.
  - (✓)(t) **Do not discuss the case with any co-defendants.**

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
 Signature of Defendant

8430 S 1672 W West Jordan  
 UT 84088 Address

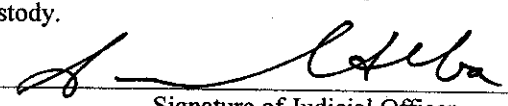
City and State

Telephone

**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.  
 The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/15/06

  
 Signature of Judicial Officer

Chief Magistrate Judge Samuel Alba

Name and Title of Judicial Officer

BRETT L. TOLMAN, United States Attorney (#8821)  
D. LOREN WASHBURN, Assistant United States Attorney (#10993)  
MICHAEL P. KENNEDY, Assistant United States Attorney (#18759)  
Attorneys for the United States of America  
185 South State Street, #400  
Salt Lake City, Utah 84111  
Telephone: (801) 524-5682  
Facsimile: (801) 524-6925  
e-mail: loren.washburn@usdoj.gov

RECEIVED CLERK  
AUG 16 2006  
U.S. DISTRICT COURT  
FILED IN UNITED STATES  
COURT, DISTRICT OF UTAH  
AUG 17 2006  
MARKUS B. ZIMMER, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK

---

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

---

UNITED STATES OF AMERICA,	:	Case No:	2:06CR00554 JTG
Plaintiff,	:		
vs.	:		
	:		
	:		ORDER LIFTING SEAL ON INDICTMENT
STEVEN C. CHRISTENSEN	:		
and	:		
DIANE C. CHRISTENSEN,	:	JUDGE SAMUEL ALBA	
Defendants.	:		

---

The seal filed on the indictment in this matter has been lifted based on the Motion to Lift Seal filed by the United States.

So ordered, this 16<sup>th</sup> day of August, 2006.



Hon. Samuel Alba  
United States Magistrate Judge

**FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH**

ORDER SETTING  
CONDITIONS OF RELEASE  
BY MORRIS L. ZIMMER, CLERK  
DEPUTY CLERK

Case Number: 2:06-CR-555 JTG

as directed. The defendant shall next appear at (if blank, to be notified)	United States District Court
	PLACE
350 South Main	on <b>As Directed</b>
	DATE AND TIME

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

### Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:  
(Name of person or organization)  
(Address)  
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: \_\_\_\_\_

Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
  - ☐ (b) maintain or commence an educational program.
  - ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:  
**Reside at 3331 Bloomington Drive, St. George, Utah and do not change residence without prior permission of Pretrial Services.**
  - ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
  - ☒ (e) report on a regular basis to the supervising officer as directed.
  - ☐ (f) comply with the following curfew:
  - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
  - ☐ (h) refrain from excessive use of alcohol.
  - ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
  - ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
  - ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
  - ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
  - ☐ (m) execute a bail bond with solvent sureties in the amount of \$
  - ☐ (n) return to custody each (week)day as of \_\_\_\_\_ o'clock after being released each (week)day as of \_\_\_\_\_ o'clock for employment, schooling or the following limited purpose(s):
  - ☐ (o) surrender any passport to
  - ☐ (p) obtain no passport
  - ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
  - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
  - ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
  - ☒ (t) **Continue in current substance abuse therapy with Turning Leaf Facility in St George, Utah**

**Advice of Penalties and Sanctions**

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

**Acknowledgment of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

  
Signature of Defendant

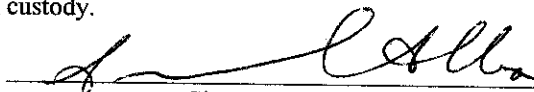
3331 Bloomington Dr West  
Address

St. George UT 634-0869  
City and State Telephone

**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.  
( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/18/06

  
Signature of Judicial Officer

Chief Magistrate Judge Samuel Alba

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

AUG 18 2006

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

By MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

Brian Roffe,  
Plaintiff

v.

NPS Pharmaceuticals, Inc., et al.  
Defendant

:  
:  
:  
: ORDER FOR PRO HAC VICE ADMISSION  
:  
:

: Case Number 2:06CV00570 PGC

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Daniel S. Drosman in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 18<sup>th</sup> day of Aug, 20 06.

Paul C. Cant  
U.S. District Judge

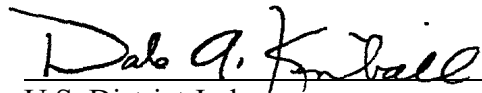
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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

INDER SINGH  Plaintiff  v.  GREYHOUND BUS LINES, et al.  Defendants.	<b>ORDER FOR PRO HAC VICE ADMISSION</b>  Case No. 2:06-cv-608-DAK
--	---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for the admission pro hac vice of **Troy Calvin Lee, Jr.** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 18th day of August, 2006.

  
U.S. District Judge

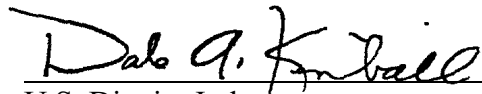


UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

INDER SINGH  Plaintiff  v.  GREYHOUND BUS LINES, et al.  Defendants.	<b>ORDER FOR PRO HAC VICE ADMISSION</b>  Case No. 2:06-cv-608-DAK
--	---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for the admission pro hac vice of **Mark M. Williams** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 18<sup>th</sup> day of August, 2006.

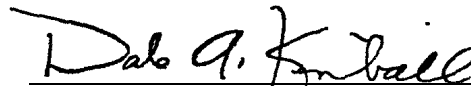
  
\_\_\_\_\_  
U.S. District Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

INDER SINGH  Plaintiff  v.  GREYHOUND BUS LINES, et al.  Defendants.	<b>ORDER FOR PRO HAC VICE ADMISSION</b>  Case No. 2:06-cv-608-DAK
--	---

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCivR 83-1.1(d), the motion for the admission pro hac vice of **Alfred W. Gerisch** in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 18<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
U.S. District Judge

UNITED STATES DISTRICT COURT

AUG 16 2006

Central

District of

MARKUS B. ZIMMER, CLERK  
BY Utah

UNITED STATES OF AMERICA

V.

Joy Adams

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case Number: DUTX 2:99CR000655-001

USM Number: 07826-081

Ed Wall

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1, 2, 3, 4 and 5 of the petition of the term of supervision.

☐ was found in violation of condition(s) \_\_\_\_\_ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number	Nature of Violation	Violation Ended
------------------	---------------------	-----------------

1.

The defendant failed to submit a urine specimen for testing as

directed on 8/20/05, 8/25/05, 1/2/06, 1/5/06, 1/13/06, 1/30/06,

2/7/06, 3/16/06, 3/28/06, 4/3/06, 4/8/06.

2.

On 8/24/05, the defendant admitted to USPO that she

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) \_\_\_\_\_ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: \_\_\_\_\_

Defendant's Date of Birth: \_\_\_\_\_

Defendant's Residence Address: \_\_\_\_\_

Defendant's Mailing Address: \_\_\_\_\_

8/11/2006

Date of Imposition of Judgment

*Tena Campbell*  
Signature of Judge

Tena Campbell

Name of Judge

District Court Judge

Title of Judge

Date

*Tena Campbell 8-14-2006*

DEFENDANT: Joy Adams  
CASE NUMBER: DUTX 2:99CR000655-001

### ADDITIONAL VIOLATIONS

[illegible]

DEFENDANT: Joy Adams  
CASE NUMBER: DUTX 2:99CR000655-001

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

4 Months

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_ with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Joy Adams

CASE NUMBER: DUTX 2:99CR000655-001

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

**NONE IMPOSED**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Joy Adams

CASE NUMBER: DUTX 2:99CR000655-001

**SPECIAL CONDITIONS OF SUPERVISION**

DEFENDANT: Joy Adams  
CASE NUMBER: DUTX 2:99CR000655-001

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.